KEKER & VAN NEST, LLP
DARALYN J. DURIE - #169825
DAVID J. SILBERT - #173128
DANIEL E. JACKSON - #216091
MATTHIAS A. KAMBER - #232147
710 Sansome Street
San Francisco, CA 94111-1704
Telephone: (415) 391-5400
Facsimile: (415) 397-7188
ddurie@kvn.com
dsilbert@kvn.com
djackson@kvn.com
mkamber@kvn.com

Attorneys for Defendant
COMCAST CABLE COMMUNICATIONS LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

In re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. C-05-01114 JW **DECLARATION OF DAVID J. SILBERT** Date: September 8-9, 2005 Time: 9:00 a.m. Courtroom: 8, 4th Floor Judge: Honorable James Ware

Dockets.Justia.com

I, David J. Silbert, declare that the following is true:

1. I am an attorney licensed to practice in the State of California and before this Court. I am a partner in the law firm of Keker & Van Nest, LLP, counsel for defendant Comcast Cable Communications, LLC in these coordinated actions. I make this declaration of my own personal knowledge, and if called to do so, I would testify to these facts under oath.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the prosecution history of U.S. Patent No. 6,144,702 (the '702 patent). The excerpts consist of the Office Action dated June 22, 1999, and the applicants' Reply and Amendment dated August 6, 1999.

3. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent No. 5,130,792, issued to Tindell *et al.*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 25, 2005 in San Francisco, California.

/s/
DAVID J. SILBERT